



**COMMITTEE OF ADJUSTMENT
OF THE CITY OF OTTAWA**

**DECISION
CONSENT**

(Section 53 of the *Planning Act*)

File No.: D08-01-21/B-00541 to D08-01-21/B-00543
Owner(s): Trustees of the Ottawa Korean Community Church
Location: 3555 Borrisokane Road
Ward: 3-Barrhaven
Legal Description: Part of Lot 11, Concession 3 (Rideau Front)
Geographic Township of Nepean, Part 1 on Ref. Plan
4R-33597
Zoning: IL(304)
Zoning By-law: 2008-250

Notice was given and a Public Hearing was held on **March 2, 2022**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION:

The Owners want to subdivide their property into three parcels to create two new lots for future development.

CONSENT IS REQUIRED FOR THE FOLLOWING:

The Owners require the Consent of the Committee for Conveyances and Grants of Easements/ Rights-of-Ways. The subject property is shown as Parts 1 to 5 on the Draft 4R-Plan filed with the applications and the separate parcels will be as follows:

File No.	Frontage	Depth	Area	Part No.	Municipal Address
B-00541	46.47 m	92.41m (Irreg.)	4320 sq. m	3 & 4	3545 Borrisokane Road (vacant parcel)
B-00542	86.74 m	116.13 m (Irreg.)	12,734 sq. m	5	3555 Borrisokane Road (vacant parcel)
B-00543	57.54 m	92.41 m (irreg.)	5328 sq. m	1 & 2	3535 Borrisokane Road (vacant parcel)

The applications indicate that it is proposed to establish an easement/ right-of-way over Part 2 for access for the benefit of Parts 3 & 4 and Part 5, and over Part 4 for the benefit of Part 5.

The applications indicate that the Property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING:

The Chair administered an oath to Danene Whiting, Agent for the Owner, who confirmed that the statutory notice posting requirements were satisfied.

Ms. Whiting indicated that she was aware of the conditions requested by the City's Planning, Real Estate and Economic Development Department, and had no concerns with the imposition of those conditions.

Christina Culley, City Planner, was also in attendance.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

The Committee considered any written and oral submissions relating to the applications in making its Decision.

Based on the evidence, the Committee is satisfied that the proposal is consistent with the Provincial Policy Statement that promotes efficient land use and development as well as intensification and redevelopment within built-up areas, based on local conditions. The Committee is also satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. In addition, the Committee is satisfied that the proposal has adequate regard for the criteria specified under subsection 51(24) of the *Planning Act* and is in the public interest.

The Committee therefore grants the provisional consent, subject to the following conditions, **which must be fulfilled within a two-year period from the date of this Decision:**

1. That the Owner(s) provide evidence (servicing plan), to the satisfaction of the **Development Review Manager of the South Branch within Planning, Real Estate and Economic Department, or his/her designate**, to be confirmed in writing from the Department to the Committee, that both the severed and retained parcels have their own independent water, sanitary and sewer connection, as appropriate, and that these services do not cross the proposed severance line and are connected directly to City infrastructure. If they do cross the proposed severance line, or they are not independent, the Owner(s) will be required to relocate or construct new services from the city sewers and/or watermain at his/her own costs.

In the case of a vacant parcel being created, the Owner(s) shall provide evidence (servicing plan), to the satisfaction of the **Development Review Manager of the South Branch within Planning, Real Estate and Economic Department, or his/her designate**, to be confirmed in writing from the Department to the Committee, that the parcel has access to sufficient services with adequate capacity.

2. That the Owner enter into an Agreement with the City, at the expense of the Owner, which is to be registered on Title to deal with the covenants/notices that shall run with the land and bind future owners on subsequent transfers, warning purchasers and/or tenants of expected noise levels due to the existing source of environmental noise (arterial, highway, airport, etc.). The Agreement shall be to the satisfaction of **Development Review Manager of the South Branch within Planning, Real Estate and Economic Department, or his/her designate**. The Committee requires a copy of the Agreement and written confirmation from **City Legal Services** that it has been registered on title.
3. That the Owner(s) file with the Committee a copy of the registered Reference Plan prepared by an Ontario Land Surveyor registered in the Province of Ontario, and signed by the Registrar, **confirming the frontage and area of the severed land. If the Registered Plan does not indicate the lot area, a letter from the Surveyor confirming the area is required**. The Registered Reference Plan must conform substantially to the Draft Reference Plan filed with the Application for Consent.
4. That upon completion of the above conditions, and **within the two-year period outlined above**, the Owner(s) file with the Committee, the “electronic registration in preparation documents” for the Conveyances and Grants of Easements/Rights-of-Way for which the Consent is required.

The Consent lapses two years from the date of this Decision.

All technical studies must be submitted to Planning, Real Estate and Economic Development Department a minimum of **40 working days** prior to lapsing date of the consent. Should a Development Agreement be required, such request should be initiated **15 working days** prior to lapsing date of the consent and should include all required documentation including the approved technical studies.

Please note that if a major change to a condition or conditions is requested, you will be entitled to receive Notice of the changes only if you have made a written request to be notified.

NOTICE OF RIGHT TO APPEAL:

To appeal this decision to the Ontario Land Tribunal (OLT), an appeal form along with a certified cheque or money order payable to the Ontario Minister of Finance must be filed

with the Secretary-Treasurer of the Committee of Adjustment by **March 31, 2022**, delivered to the following address:

Secretary-Treasurer, Committee of Adjustment,
101 CentrepoinTE Drive, 4th floor, Ottawa, Ontario, K2G 5K7

The Appeal Form is available on the OLT website at <https://olt.gov.on.ca/>. The OLT has established a filing fee of \$400.00 per type of application with an additional filing fee of \$25.00 for each secondary application. If you have any questions about the appeal process, please contact the Committee of Adjustment office by calling 613-580-2436 or by email at cofa@ottawa.ca.

Only individuals, corporations and public bodies may appeal Decisions in respect of applications for consent to the OLT. A notice of appeal may not be filed by an unincorporated association or group. However, a Notice of Appeal may be filed in the name of an individual who is a Member of the Association or group on its behalf.

NOTICE TO APPLICANT:

Applicants are advised to take note of comments received from City departments and other technical agencies like Hydro Ottawa and to consult where appropriate.

**DECISION SIGNATURE PAGE
PAGE DE SIGNATURE DE LA DÉCISION**

File No. / Dossier n°: D08-01-21/B-00541 to D08-01-21/B-00543
Owner(s) / Propriétaire(s): Trustees of the Ottawa Korean Community Church
Location / Emplacement: 3555 Borrisokane Road

We, the undersigned, concur in the decision and the reasons set out by the Committee of Adjustment.

Nous, soussignés, souscrivons à la décision et aux motifs rendus par le Comité de dérogation.

“Ann M. Tremblay”

**ANN M. TREMBLAY
CHAIR / PRÉSIDENTE**

“Kathleen Willis”

**KATHLEEN WILLIS
MEMBER / MEMBRE**

“Scott Hindle”

**SCOTT HINDLE
MEMBER / MEMBRE**

“Colin White”

**COLIN WHITE
MEMBER / MEMBRE**

“Julia Markovich”

**JULIA MARKOVICH
MEMBER / MEMBRE**

This is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa.

Celle-ci est une copie conforme de la décision rendue par le Comité de dérogation de la Ville d'Ottawa.

Date of Decision / Date de la décision
March 11, 2022/ 11 mars 2022



Michel Bellemare
Secretary-Treasurer / Secrétaire-trésorier